

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

PACIFIC COAST TRAILERS, LLC

Plaintiff,

v.

COZAD TRAILER SALES, LLC., a limited
liability company, TOM PISTACCHIO and
DELORES PISTACCHIO, and their marital
community,

Defendants.

CIVIL NO. CV-10-111-EFS

**DECLARATION OF TOM
PISTACCHIO IN OPPOSITION TO
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: August 25, 2010

Time: 3:00 p.m.

Judge: Edward F. Shea,

Place: Spokane, Courthouse

I, Tom Pistacchio, declare:

1. I am over the age of eighteen (18) years and I am the Managing Member of Cozad Trailer Sales, LLC ("Cozad"). I am competent to testify and would testify to the following facts, which are within my personal knowledge.
2. Attached hereto as Exhibits 1 and 2 are true and correct copies of the Assignment of the Sturdyweld, Comet and Alloy Trademarks from Reliance Trailer Co, LLC and Sterling Savings Bank, and Sterling Savings Bank to Cozad. Attached hereto as Exhibit 3 are true and correct copies of the Notices of Recordation from the US Patent and Trademark Office.

3. Attached hereto as Exhibit 4 is a true and correct copy of what appears to be a "draft" Schedule B with regard to the filing of Reliance Trailer Co., LLC's bankruptcy. The documents attached as Exhibit 4 were found by my staff in the files and material of Reliance LLC at the Geiger Boulevard location, during the period of time we were itemizing and cataloging assets for sale and auction in April of 2010.

4. Cozad has spent over \$300,000 already in costs and capital in purchasing and preparing to market the "Reliance" trademark. Cozad is prepared to actively market the "Reliance" name and has the existing infrastructure and customer base to do so as part of its current operations. Cozad anticipates that its continued development of the "Reliance" trademark and name could be worth several hundred thousand dollars in the future. The longer the "Reliance" trademark is tied-up, the more it will diminish its value. Cozad believes it stands to lose hundreds of thousands of dollars, if not millions of dollars, over the next few years if the "Reliance" trademark is not properly marketed.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this _____ day of August 2010 at Fresno, California.


TOM PISTACCHIO